

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN EMPIRE SURPLUS LINES
INSURANCE CO.,

Plaintiff,

v.

HILLVIEW CONSTRUCTION AND
RENOVATIONS CORP.,

Defendants.

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ORDER

20-cv-00768 (PMH)

PHILIP M. HALPERN, United States District Judge:

On January 29, 2020, Plaintiff American Empire Surplus Lines Insurance Co. (“Plaintiff”) commenced this action against Defendant Hillview Construction and Renovations Corp. (“Defendant”) by filing a Complaint. (Doc. 1). The Complaint was served on Defendant on February 7, 2020. (Doc. 7). On April 17, 2020, Plaintiff filed an Amended Complaint. (Doc. 12). The Amended Complaint was served on Defendant on April 20, 2020. (Doc. 14). Defendant never responded to Plaintiff’s Complaint or Amended Complaint.

On August 6, 2020, the Clerk of Court issued a Certificate of Default against Defendant. (Doc. 17). On August 20, 2020 Plaintiff moved this Court, pursuant to Federal Rule of Civil Procedure 55(b)(2), for an Order entering a default judgment in favor Plaintiff and against Defendant for failure to plead or otherwise defend this action. (Doc. 21). On August 24, 2020, by Order to Show Cause returnable September 16, 2020, the Court directed Defendant to show cause why a default judgment should not be entered. (Doc. 24). The next day, Plaintiff filed proof of service of the August 24 Order on Defendant. (Doc. 25). Defendant did not timely respond to the August 24 Order.

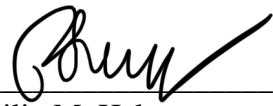
Having reviewed Plaintiff's submission seeking default judgment, the Court directs Plaintiff to supplement its submission, by October 29, 2020, by submitting:

1. Business records in admissible form, and an affidavit from a person with personal knowledge of admissibility and the facts contained therein, regarding Endorsement No. 1, dated September 4, 2019 and the related audit;
2. An affidavit from a person with personal knowledge identifying all documents necessary for Plaintiff to conduct an audit of Defendant's business records pursuant to the terms of the American Empire 2018 Policy so that Plaintiff may determine whether an additional premium is due; and
3. An affidavit from a person with personal knowledge establishing the reasonableness of Plaintiff's attorney's fees.

Plaintiff is directed to mail a copy of this Order to Defendant and provide proof of service on the docket.

SO ORDERED:

Dated: New York, New York
October 15, 2020



Philip M. Halpern
United States District Judge